

REMARKS

Claims 1, 2, 8, 9, 15 and 21 have been amended. Claims 3, 10 and 22 have been canceled. Reexamination and reconsideration of the above identified application are respectfully requested.

I. 35 U.S.C. § 102

Claims 1, 7, 15-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Oto, hereafter "Oto" U.S. Patent No. 5,437,051. Applicant respectfully submits that claims 1, 7, and 15-18 are patentable under 35 U. S. C. § 102(b) over Oto for the following reasons.

With respect to claim 1, applicant respectfully submits that Oto does not disclose all the elements recited in claim 1 as amended. Applicant respectfully submits that Oto does not disclose the limitations of claim 1 as amended. Claim 1 as amended at lines 3-5 and 6-8 recite first and second switching devices which are not mentioned in Oto. In addition, amended claim 1 at lines 3-5, 6-8 and 13-14 recites a base band controller to which the local oscillator and the first and second switching devices are responsive.

With respect to claim 7, claim 7 is patentable by virtue of its dependency on claim 1 which has been shown to be patentable.

With respect to claim 15, claim 15 is patentable over Oto. Applicant respectfully submits that Oto does not disclose the limitations of claim 15 as amended. Amended claim 15 at lines 8-9 recites a base band controller to which the step of generating said IF signal is responsive.

With respect to Claims 16-18, Claims 16-18 are patentable by virtue of their dependency on claim 15 which has been shown to be patentable.

Accordingly, applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102(b) with respect to claims 1, 7 and 15-18.

II. 35 U.S.C. §103

Claims 2 and 9 have been rejected under 35 U. S. C. § 103(a) as being unpatentable over Oto. With respect to claim 2, claim 2 is patentable by virtue of its dependency on claim 1 which has been amended and has been shown to be patentable above. With respect to claim 9, claims 9 and 8 have both been amended, and claim 9 is dependent on claim 8. Amended claim 8 is patentable for the same reasons claim 1 is patentable as set forth above. Amended claim 9 is patentable by virtue of its dependency on claim 8 which has been amended and is patentable.

Claims 4-6, 8, 11-14 and 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oto in view of Smith, et al. Based on the substance of the rejection, the Examiner is apparently referring to U. S. Patent No. 5,694,414 issued December 2, 1997, hereinafter "Smith" (and not U.S. Patent No. 5,668,836 issued September 16, 1997 specified in the Notice Of References Cited).



Claims 4-6 are patentable over Oto in view of Smith by virtue of their dependency on claim 1 which has been amended and is shown to be patentable. In addition, the number and kind of components described in Smith are different from those in claim 1 as amended. Smith involves a controller 103 which selects between narrowband or spread-spectrum operation. The base band controller in the present invention selects between one of a first or second bands and controls first and second switches and a local oscillator, whereas the controller 103 in Smith is coupled to a tunable band pass filter 117, a preamp 203, a tunable frequency synthesizer 105 a mode select switch 104, chip code generator 107 and a receiver information device 219. (See Smith, Fig. 3).

Claim 8 has been amended and is patentable as reciting limitations similar to the limitations recited in claim 1

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Claims 11-14 are patentable by virtue of their dependency on claim 8 which has been shown to be patentable.

Claims 19-20 are patentable by virtue of their dependency on claim 15 which has been shown to be patentable.

Claim 21 is patentable as amended as set forth above and as reciting limitations similar to some of the limitations recited in claim 1.

Accordingly, applicant respectfully requests that the pending claims 1, 2, 4-9, 11-21 are patentable and respectfully requests withdrawal of the rejections under 35 U. S. C. § 102 and § 103 with respect to claims 1, 2, 4-9, 11-21, and allowance of claims 1, 2, 4-9, 11-21.

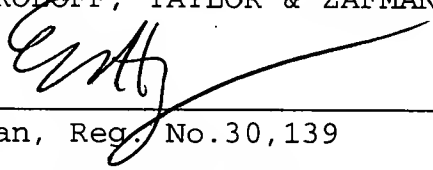
CONCLUSION

In view of the foregoing, it is believed that all claims now pending are, patentable define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

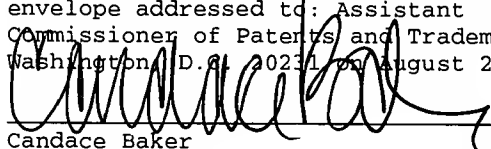
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